

By: Geren, Flynn, King of Parker

H.B. No. 1616

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the reporting or providing of information, including  
3 information relating to political contributions, political  
4 expenditures, and personal financial information, by public  
5 servants, political candidates and committees, and persons  
6 required to register under the lobby registration law, and to  
7 complaints filed with and the functions of the Texas Ethics  
8 Commission.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

10 SECTION 1. Section 254.031(a), Election Code, is amended to  
11 read as follows:

12 (a) Except as otherwise provided by this chapter, each  
13 report filed under this chapter must include:

14 (1) the amount of political contributions from each  
15 person that in the aggregate exceed \$50 and that are accepted during  
16 the reporting period by the person or committee required to file a  
17 report under this chapter, the full name and address of the person  
18 making the contributions, and the dates of the contributions;

19 (2) the amount of loans that are made during the  
20 reporting period for campaign or officeholder purposes to the  
21 person or committee required to file the report and that in the  
22 aggregate exceed \$50, the dates the loans are made, the interest  
23 rate, the maturity date, the type of collateral for the loans, if  
24 any, the full name and address of the person or financial

1 institution making the loans, the full name and address, principal  
2 occupation, and name of the employer of each guarantor of the loans,  
3 the amount of the loans guaranteed by each guarantor, and the  
4 aggregate principal amount of all outstanding loans as of the last  
5 day of the reporting period;

6 (3) the amount of political expenditures that in the  
7 aggregate exceed \$100 [~~\$50~~] and that are made during the reporting  
8 period, the full name and address of the persons to whom the  
9 expenditures are made, and the dates and purposes of the  
10 expenditures;

11 (4) the amount of each payment made during the  
12 reporting period from a political contribution if the payment is  
13 not a political expenditure, the full name and address of the person  
14 to whom the payment is made, and the date and purpose of the  
15 payment;

16 (5) the total amount or a specific listing of the  
17 political contributions of \$50 or less accepted and the total  
18 amount or a specific listing of the political expenditures of \$100  
19 [~~\$50~~] or less made during the reporting period;

20 (6) the total amount of all political contributions  
21 accepted and the total amount of all political expenditures made  
22 during the reporting period;

23 (7) the name of each candidate or officeholder who  
24 benefits from a direct campaign expenditure made during the  
25 reporting period by the person or committee required to file the  
26 report, and the office sought or held, excluding a direct campaign  
27 expenditure that is made by the principal political committee of a

1 political party on behalf of a slate of two or more nominees of that  
2 party; [~~and~~]

3 (8) as of the last day of a reporting period for which  
4 the person is required to file a report, the total amount of  
5 political contributions accepted, including interest or other  
6 income on those contributions, maintained in one or more accounts  
7 in which political contributions are deposited as of the last day of  
8 the reporting period;

9 (9) any of the following received during the reporting  
10 period resulting from the use of a political contribution or an  
11 asset purchased with a political contribution the amount of which  
12 exceeds \$100:

13 (A) credit;

14 (B) interest;

15 (C) rebate;

16 (D) refund;

17 (E) reimbursement; or

18 (F) return of a deposit fee;

19 (10) any proceeds of the sale of an asset received  
20 during the reporting period the amount of which exceeds \$100;

21 (11) any investment purchased with a political  
22 contribution received during the reporting period the amount of  
23 which exceeds \$100;

24 (12) any other gain from a political contribution  
25 received during the reporting period the amount of which exceeds  
26 \$100; and

27 (13) the full name and address of each person from whom

1 an amount described by Subdivisions (9), (10), (11), or (12) is  
2 received, the date the amount is received, and the purpose for which  
3 the amount is received.

4 SECTION 2. Subchapter B, Chapter 254, Election Code, is  
5 amended by adding Section 254.0405 to read as follows:

6 Sec. 254.0405. AMENDMENT OF FILED REPORT. (a) A person who  
7 files a semiannual report under this chapter may amend the report.

8 (b) A semiannual report that is amended before the eighth  
9 day after the date the original report was filed is considered to  
10 have been filed on the date on which the original report was filed.

11 (c) A semiannual report that is amended on or after the  
12 eighth day after the original report was filed is considered to have  
13 been filed on the date on which the original report was filed if:

14 (1) the amendment is made before any complaint is  
15 filed with regard to the subject of the amendment; and

16 (2) the original report was made in good faith and  
17 without an intent to mislead or to misrepresent the information  
18 contained in the report.

19 SECTION 3. Section 254.041, Election Code, is amended by  
20 adding Subsection (d) to read as follows:

21 (d) It is an exception to the application of Subsection  
22 (a)(3) that:

23 (1) the information was required to be included in a  
24 semiannual report; and

25 (2) the person amended the report within the time  
26 prescribed by Section 254.0405(b) or under the circumstances  
27 described by Section 254.0405(c).

1 SECTION 4. Section 305.005, Government Code, is amended by  
2 adding Subsection (1) to read as follows:

3 (1) The registration form must include the full name and  
4 address of each person who compensates or reimburses the registrant  
5 or person acting as an agent for the registrant for services,  
6 including political consulting services, rendered by the  
7 registrant from:

8 (1) a political contribution as defined by Title 15,  
9 Election Code;

10 (2) interest received from a political contribution as  
11 defined by Title 15, Election Code; or

12 (3) an asset purchased with a political contribution  
13 as defined by Title 15, Election Code.

14 SECTION 5. Subchapter C, Chapter 571, Government Code, is  
15 amended by adding Sections 571.080 and 571.081 to read as follows:

16 Sec. 571.080. ASSISTANCE FOR CERTAIN FILERS. The  
17 commission, using existing resources, must provide a service that  
18 enables a candidate or officeholder required to file a report with  
19 the commission under Section 254.063, 254.064, or 254.093, Election  
20 Code, to speak to commission staff to assist the person in preparing  
21 and filing the report. This service must be available beginning at  
22 8 a.m. on the date of a deadline for filing a report with the  
23 commission and ending at the deadline for filing the report.

24 Sec. 571.081. AVAILABILITY OF DIRECT TELEPHONE NUMBER OF  
25 COMMISSION STAFF TO CERTAIN FILERS. An employee of the commission  
26 shall on request provide the employee's direct telephone number to  
27 a candidate or officeholder required to file a report with the

1 commission.

2 SECTION 6. Section 571.122, Government Code, is amended by  
3 adding Subsection (e) to read as follows:

4 (e) It is not a valid basis of a complaint to allege that a  
5 report required under Chapter 254, Election Code, contains the  
6 improper name or address of a person from whom a political  
7 contribution was received if the name or address in the report is  
8 the same as the name or address that appears on the check for the  
9 political contribution.

10 SECTION 7. Subchapter E, Chapter 571, Government Code, is  
11 amended by adding Section 571.1222 to read as follows:

12 Sec. 571.1222. DISMISSAL OF COMPLAINT CHALLENGING CERTAIN  
13 INFORMATION IN POLITICAL REPORT. At any stage of a proceeding under  
14 this subchapter, the commission shall dismiss a complaint alleging  
15 that a report required under Chapter 254, Election Code, contains  
16 the improper name or address of a person from whom a political  
17 contribution was received if the name or address in the report is  
18 the same as the name or address that appears on the check for the  
19 political contribution.

20 SECTION 8. Section 571.123(b), Government Code, is amended  
21 to read as follows:

22 (b) After a complaint is filed, the commission shall  
23 immediately attempt to contact and notify the respondent of the  
24 complaint by telephone or electronic mail. Not later than the  
25 fifth business day after the date a complaint is filed, the  
26 commission shall send written notice to the complainant and the  
27 respondent. The written notice to the complainant and the

1 respondent must:

2 (1) state whether the complaint complies with the form  
3 requirements of Section 571.122;

4 (2) if the respondent is a candidate or officeholder,  
5 state the procedure by which the respondent may designate an agent  
6 with whom commission staff may discuss the complaint;

7 (3) if the respondent is a candidate or officeholder,  
8 state that the respondent may request the direct telephone number  
9 of the commission staff member who will perform the processing of  
10 the complaint against the respondent; and

11 (4) [~~(2)~~] if applicable, include the information  
12 required by Section 571.124(e).

13 SECTION 9. Subchapter E, Chapter 571, Government Code, is  
14 amended by adding Sections 571.1231 and 571.1232 to read as  
15 follows:

16 Sec. 571.1231. DESIGNATION OF AGENT BY CERTAIN RESPONDENTS.

17 (a) This section applies only to a respondent who is a candidate or  
18 officeholder.

19 (b) A respondent to a complaint filed against the respondent  
20 may by writing submitted to the commission designate an agent with  
21 whom the commission staff may communicate regarding the complaint.

22 (c) For purposes of this subchapter, including Section  
23 571.140, communications with the respondent's agent designated  
24 under this section are considered communications with the  
25 respondent.

26 Sec. 571.1232. PROVISION OF TELEPHONE NUMBER TO CERTAIN

27 RESPONDENTS. (a) This section applies only to a respondent who is

1 a candidate or officeholder.

2 (b) On request, the commission shall provide to a respondent  
3 the direct telephone number of the commission staff member who will  
4 perform the processing of the complaint against the respondent.

5 SECTION 10. Section 145.003, Local Government Code, is  
6 amended by amending Subsection (a) and adding Subsection (c) to  
7 read as follows:

8 (a) Except as provided by Subsection (c), a [A] municipal  
9 officer or a candidate for a municipal office filled by election  
10 shall file a financial statement as required by this chapter.

11 (c) A municipal officer who does not receive compensation  
12 for serving as an officer or a candidate for such an office is not  
13 required to file a financial statement under this chapter.

14 SECTION 11. Section 159.003(b), Local Government Code, is  
15 amended to read as follows:

16 (b) The statement must:

17 (1) be filed with the county clerk of the county in  
18 which the officer, justice, or candidate resides; and

19 (2) comply with Sections 572.022 and 572.023,  
20 Government Code, and with the requirements set forth by any  
21 commissioners court order requiring additional disclosures.

22 SECTION 12. Section 11.064, Education Code, is repealed.

23 SECTION 13. Section 159.034(c), Local Government Code, is  
24 repealed.

25 SECTION 14. Section 335.1085, Local Government Code, is  
26 repealed.

27 SECTION 15. (a) Section 254.031(a), Election Code, as

1 amended by this Act, applies only to a report under Chapter 254,  
2 Election Code, that is required to be filed on or after the  
3 effective date of this Act. A report under Chapter 254, Election  
4 Code, that is required to be filed before the effective date of this  
5 Act is governed by the law in effect on the date the report is  
6 required to be filed, and the former law is continued in effect for  
7 that purpose.

8 (b) Section 305.005(1), Government Code, as added by this  
9 Act, applies only to compensation or reimbursement received by a  
10 registrant under Chapter 305, Government Code, on or after the  
11 effective date of this Act.

12 SECTION 16. The change in law made by this Act to Section  
13 254.041, Election Code, applies only to an offense committed on or  
14 after the effective date of this Act. For purposes of this section,  
15 an offense is committed before the effective date of this Act if any  
16 element of the offense occurs before the effective date. An offense  
17 committed before the effective date of this Act is covered by the  
18 law in effect when the offense was committed, and the former law is  
19 continued in effect for that purpose.

20 SECTION 17. (a) Section 145.003, Local Government Code, as  
21 amended by this Act, applies only to the filing by a municipal  
22 officer or candidate of a financial statement that covers the 2011  
23 or a later calendar year. The filing by a municipal officer or  
24 candidate of a financial statement that covers the 2010 calendar  
25 year is governed by the law in effect on January 1, 2011, and the  
26 former law is continued in effect for that purpose.

27 (b) The repeal by this Act of Section 11.064, Education

1 Code, applies only to the filing by a school district trustee of a  
2 financial statement that covers the 2011 or a later calendar year.  
3 The filing by a school district trustee of a financial statement  
4 that covers the 2010 calendar year is governed by the law in effect  
5 on January 1, 2011, and the former law is continued in effect for  
6 that purpose.

7 (c) The repeal by this Act of Section 335.1085, Local  
8 Government Code, applies only to the filing by a director of a venue  
9 district of a financial statement that covers the 2011 or a later  
10 calendar year. The filing by a director of a venue district of a  
11 financial statement that covers the 2010 calendar year is governed  
12 by the law in effect on January 1, 2011, and the former law is  
13 continued in effect for that purpose.

14 SECTION 18. This Act takes effect September 1, 2011.